

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MARY ROSE DAY,

Defendant.

CR 13-97-BLG-DWM

ORDER

United States Magistrate Judge Carolyn S. Ostby entered Findings and Recommendation in this matter on January 10, 2014. Neither party objected and therefore they are not entitled to *de novo* review of the record. 28 U.S.C. § 636(b)(1); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003).

This Court will review the Findings and Recommendation for clear error.

McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc., 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000).

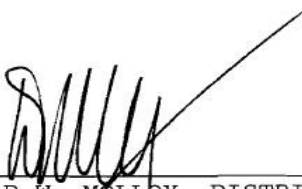
Judge Ostby recommended this Court accept Mary Rose Day’s guilty plea after Day appeared before her pursuant to Federal Rule of Criminal Procedure 11,

and entered her plea of guilty to possession with intent to distribute in excess of 5 grams of actual methamphetamine, in violation of 21 U.S.C. § 841(a)(1), as charged in the Indictment.

I find no clear error in Judge Ostby's Findings and Recommendation (Doc. 20), and I adopt them in full.

Accordingly, IT IS ORDERED that Mary Rose Day's motion to change plea (Doc. 14) is GRANTED.

DATED this 29th day of January, 2014.



DONALD W. MOLLOY, DISTRICT JUDGE
UNITED STATES DISTRICT COURT
